

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DAVID LAMAR JOHNSON, #255 052,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 2:08cv876-TMH
	)	
J.C. GILES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

The Magistrate Judge filed a Recommendation (Doc. #6) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION (Doc. #6) of the Magistrate Judge is ADOPTED. Plaintiff's Motion to Dismiss (Doc. #4) his pending suit pursuant to 42 U.S.C. § 1983 is GRANTED. This case is DISMISSED without prejudice. No costs or fees are to be taxed in this case. An appropriate judgment will enter.

Done this 28th day of January, 2009.

/s/ Truman M. Hobbs

UNITED STATES DISTRICT JUDGE